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ABSTRACT

Chapter 1 is a federal assistance program that provides supplementary financial aid to public school districts, attempting to improve the educational opportunities of educationally deprived children residing in high poverty areas. The program assists qualified students in both public and private schools. This brochure answers questions that private school educators and parents often ask about the Chapter 1 program. The same standards for residence and achievement level apply to students whether they are enrolled in public or private schools. The public school district determines who will participate, selecting children with the greatest need first, and determining the subjects and grade levels to be included in the Chapter 1 project. Services must be provided by personnel employed by the public school district who maintain contact with the students' private school instructors. Services to religiously affiliated private schools must be provided in sites not physically or educationally identified with the functions of the religiously affiliated schools, such as nearby schools or portable units. This provision does not preclude computer-assisted instruction within the school. Parents from private schools participate in program activities as do the parents from public schools. Funding and the steps that private school officials must take to receive services and meet requirements are outlined. (SLD)

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PARTICIPATION OF PRIVATE SCHOOL STUDENTS IN CHAPTER 1

Information for Private School Educators and Parents

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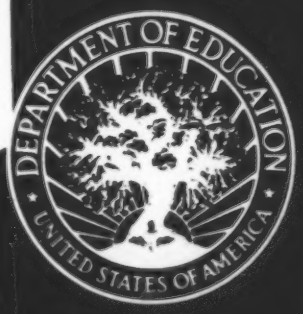

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U.S. Department of Education
Office of Elementary and Secondary Education
Compensatory Education Programs

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PARTICIPATION OF PRIVATE SCHOOL STUDENTS IN CHAPTER 1

Information for Private School Educators and Parents

Chapter 1 is a federal assistance program that provides supplementary financial aid to public school districts. Assistance is aimed at improving the education opportunities of educationally deprived children who reside in high poverty areas. Chapter 1 services assist participating children by helping them succeed in the regular program, attain grade-level proficiency, and improve achievement in basic and more advanced skills. Program services are directed towards meeting the special educational needs of participants at the preschool, elementary, and secondary school levels. The program assists qualifying students enrolled in both public and private schools.

This brochure answers questions that private school educators and parents often ask about the Chapter 1 program.

Among students enrolled in private schools, who may participate in Chapter 1?

The same Chapter 1 eligibility standards apply to students whether they are enrolled in public or private schools. These standards address a student's place of residence and achievement level. A student must reside within the boundaries of an eligible Chapter 1 public school attendance area. Eligible school attendance areas are those with high concentrations of children from low-income families. Both public and private school students living in these attendance areas are eligible for Chapter 1 services if their education attainment is below the level appropriate for children of their age. However, not all eligible children are served. The public school district determines those who will participate from among eligible children, selecting children with the greatest need first. Children from public and private schools are selected on the same basis.

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What process is used to identify eligible students?

A public school district annually determines eligible Chapter 1 attendance areas based on counts of children from low-income families. (Note: Participation of children in Chapter 1 is not related to income, but is based on educational need. Income data are used solely to select attendance areas to be served.) Once eligible areas are determined, public school officials must inform private school officials about the project and provide them with opportunities for meaningful consultation about program services. The school district then collects academic performance information on students residing in each eligible attendance area, including information on children attending private schools.

Based on a review of this information, the school district establishes criteria for measuring the educational deprivation of both public and private school students and identifies students residing in eligible attendance areas whose academic performance meets these criteria.

What is the role of private school officials in identifying students eligible for Chapter 1?

Private school officials provide academic performance information used by the public school district to identify eligible students and information on the residence of children to determine if they reside in a Chapter 1 attendance area.

How do Chapter 1 services help eligible students enrolled in private schools?

Chapter 1 services supplement the regular educational program of eligible private school students with instruction that meets their special educational needs.

What are the responsibilities of public school districts in connection with Chapter 1 services for eligible private school students?

Public school districts must provide eligible private school students with Chapter 1 services that are equitable to the services provided to eligible children with similar needs who attend public schools. "Equitable services" means that the public school district:

- assesses, addresses, and evaluates the needs and progress of public and private school children in the same manner;
- provides generally the same amount of instructional time and materials to public and private school students who have similar needs;
- spends equal amounts of Chapter 1 funds for instructional services for public and private school students whose needs are similar (taking into account the numbers of children to be served); and
- provides both groups of children with essentially equivalent opportunities to participate in the Chapter 1 program.

In designing and carrying out the project, officials of the public school district must consult with private school officials before making any decision that affects the opportunities of eligible private school students to participate in the district's Chapter 1 project.

The consultation must be timely and meaningful. It must take place at every stage of the project's development, implementation, and evaluation, and address topics such as:

- which children are eligible to receive services;
- how the children's needs will be identified;
- what services will be offered;

- how and where the services will be provided; and
- how the project will be evaluated.

Following appropriate consultation, decisions regarding the program are made by the public school district.

What types of services may be provided to Chapter 1-eligible students?

Based on the identified needs of educationally deprived students in both public and private schools, the public school district determines the subjects and grade levels to be included in the Chapter 1 project. Students' instructional needs are identified within broad academic areas such as reading, math, and language arts. Needs are identified among students in all grade levels, pre-K through 12. In consultation with private school officials, the district determines which needs will be addressed through Chapter 1 services. Services may vary among and within school attendance areas if the needs assessment data indicate such differences. When indicated by the needs assessment, Chapter 1 services may differ between private and public school children.

Who provides Chapter 1 services?

Chapter 1 services must be provided by teachers, aides, and other personnel employed by the public school district. These employees are under the sole control and supervision of the public school district. To ensure that services are coordinated with students' regular instruction, Chapter 1 personnel maintain periodic contact with students' private school instructors.

What special circumstances affect services to eligible students enrolled in religiously affiliated private schools?

In *Aguilar v. Felton*, the U.S. Supreme Court set limits on where Chapter 1 instructional services may be provided to students enrolled in religiously affiliated private schools. Specifically, Chapter 1 personnel may not provide instructional services in

religiously affiliated private schools. Services must be provided at sites that are neither physically nor educationally identified with the functions of religiously affiliated private schools. Allowable sites for Chapter 1 services include (but are not limited to) public schools, leased buildings located near the religiously affiliated schools, and portable vans and mobile units parked near the religiously affiliated schools. *Felton* does not preclude Chapter 1 funds from being used to provide computer-assisted instruction (CAI) or televised network instruction within a religiously affiliated private school.

How are parents of private school students involved in Chapter 1?

Public school districts must involve the parents of participating public and private school students in planning, designing, and implementing their Chapter 1 projects. The public school district carries out these responsibilities by:

- making Chapter 1 personnel available to meet with parents;
- convening parent meetings at least annually;
- providing timely information about the project to parents, including information on their children's progress;
- making parents aware of parent involvement requirements and other program provisions; and
- providing information, to the extent practicable, in a language and form that parents are able to understand.

The district's parent involvement program may also include other activities, such as training parents to work with their children in the home and training school personnel to work effectively with parents.

What Chapter 1 funds are used to serve private school students?

A district's regular Chapter 1 funds are used to meet the instruction costs of Chapter 1 services for public and private school students, including salaries of public school personnel who provide Chapter 1 services and the acquisition of materials and equipment used for Chapter 1 instruction.

Regular Chapter 1 funds are also used to meet the administrative costs of serving students enrolled in public and private schools. With respect to private school students, in particular, examples of these costs include: the rental and renovation of space, purchase or lease of mobile vans and temporary buildings, maintenance costs, insurance, transportation, and other costs to take children to and from instruction areas, costs to install CAI equipment, and salaries of technicians to maintain CAI and televised network instruction. The administrative costs are not considered in designing and providing equitable educational services for public and private school children.

A public school district may apply to its state education agency for a payment to cover Chapter 1 "capital expenses." In this context, capital expenses are the extra administrative costs of serving eligible students attending religiously affiliated private schools when these costs are incurred as a result of implementing alternative delivery systems to comply with the *Felton* decision. These resources may be used as follows:

- to pay for the capital expenses the public school district is incurring or will incur to maintain or increase the number or percentage of private school children served under Chapter 1; and

- to reimburse the public school district for capital expenses incurred since mid-1985 (when *Felton* was decided) in serving private school children under Chapter 1.

What steps do private school officials take to assist public school districts so that their qualifying students participate in Chapter 1?

1. Private school officials notify public school officials (preferably in writing) that they wish to have qualifying students participate in Chapter 1.

2. Private school officials furnish the public school district with information needed for the district to determine which private school students are eligible for Chapter 1.

3. Upon determining students' eligibility, public and private school officials consult to develop an instructional program based on an assessment of students' needs.

What should private school officials do if they believe that their eligible students have not been equitably served by Chapter 1?

Private school officials should first discuss the issue with the public school district. If after this discussion they still believe their children are not being equitably served, they should contact their state education agency and/or the U.S. Department of Education. If they wish to file a formal complaint with the Department, the complaint should include documentary evidence that the public school district has failed to provide equitable services to private school students. The Department will investigate the complaint and try to affect a resolution among the parties. If no resolution is reached and if the Department finds that the district has not provided equitable services, or is legally precluded from doing so under state law, the Department arranges for Chapter 1 services to be provided through a "bypass" arrangement.

For further information:

First, contact the Chapter 1 coordinator in the public school district in which your students reside. You can also contact your state's Chapter 1 coordinator, at the state education agency. At the federal level, contact:

Mary Jean LeTendre
Compensatory Education Programs
U.S. Department of Education
400 Maryland Ave., SW
Room 2043
Washington, DC 20202-6132

Or you can call Naomi Kennedy in the U.S. Department of Education at (202) 401-0700.

Requirements relating to services for private school children are set forth in: Section 1017 of Chapter 1 of Title I of the Elementary and Secondary Education Act as amended; regulations for Chapter 1 at 34 CFR 200.50-200.58, and the Chapter 1 Policy Manual. These documents are available at local or state education agency offices and at many private school offices. A copy of the complete Policy Manual, which also includes the statute and regulations, is available at $22 per copy from the Superintendent of Documents, Washington, DC 20401. When ordering, please specify Stock Number 065-000-00420-8.

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